

REMARKS/ARGUMENTS

Status of Claims

Claims 1-4, 9-14, and 19-20 are pending in this patent application. Claims 5-8 and 15-18 have been withdrawn from consideration in the subject application due to the lack of unity.

Overview of the Office Action

Claims 1 and 11 have been rejected under 35 U.S.C. § 102(a) as being anticipated by German Patent No. DE 102 09 374 (*Dinger*).

Claims 2-4 and 12-14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dinger*.

Claims 9, 10, 19, and 20 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dinger* in view of Japanese Patent No. JP 60211992 (*Mizuishi*).

Patentability of the Claimed Invention

In the Office Action, German Patent No. DE 102 09 374 (*Dinger*) was cited as basis for the various rejections of claims 1-4, 9-14, and 19-20. Applicants respectfully submit that *Dinger* does not qualify as a prior reference against the claimed invention for reasons below.

The subject application is the U.S. national stage of International Patent Application PCT/DE03/03683 filed November 6, 2003, which claims priorities to German patent applications 10261309.5 and 10306312.9 filed December 27, 2002 and February 14, 2003, respectively. To perfect the priority claims, applicants hereby submit copies of verified English-language translations of the above two German priority patent applications. Accordingly, the subject patent application is now entitled to its German priority dates above.

Dinger, on the other hand, was published on July 31, 2003, which is later than both German priority dates of the subject patent application. Therefore, *Dinger* does not qualify as a


prior art reference under 35 U.S.C. § 102(a) or § 103(a). Accordingly, all claim rejections based on *Dinger* are improper, withdrawal of which is hereby respectfully requested.

Moreover, because *Dinger* is removed as a reference against the claimed invention, the issue of lack of unity is moot. Applicants hereby request that claims 5-8 and 15-18 be reinstated in the subject application and be allowed along with the remaining claims.

The present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited. Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

It is believed that no fees or charges are required at this time in connection with the present application. However, if any fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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